

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Criminal Case No. 17-20361

TERRELL DEWAYNE DYSART,

Sean F. Cox

United States District Court Judge

Defendant.

/

ORDER DENYING
DEFENDANT’S MOTION TO REINSTATE APPEAL

In Criminal Case Number 17-20361, Defendant Terrell Dewayne Dysart (“Defendant”) pleaded guilty to Sex Trafficking of a Child, in violation of 18 U.S.C. § 1591. This Court sentenced Defendant to a term of 235 months of imprisonment. (*See* 9/4/18 Judgment, ECF No. 66). Defendant is currently serving that sentence.

Defendant filed a Notice of Appeal on September 13, 2018. (ECF No. 67). On October 25, 2018, the United States Court of Appeals for the Sixth Circuit issued an order noting that Defendant’s court-appointed counsel from the district court had taken no action in furtherance of the appeal and appointed new appellate counsel for Defendant. (ECF No. 71).

In an Order issued on July 16, 2019, the Sixth Circuit noted that Defendant’s counsel filed a brief and motion to withdraw in accordance with *Anders v. California*, 386 U.S. 738 (1967), granted that motion, and affirmed this Court’s Judgment. (ECF No. 79).

Defendant subsequently filed a *pro se* Motion to Vacate Sentence, pursuant to 28 U.S.C. § 2255. (ECF No. 80). This Court issued an Opinion and Order denying Defendant’s § 2255

Motion on February 24, 2020, and issued a Judgment on that same date. (ECF Nos. 88 & 89).

On February 28, 2023, Defendant filed, in this district court, a *pro se* “Motion To Reinstate Direct Appeal.” (ECF No. 90). Attached to that motion is a February 8, 2023 letter to Defendant, from the Sixth Circuit, stating that it was returning a motion to reinstate appeal to Defendant. The letter informed Defendant that the motion was not filed, and was being returned to him, “because your case is closed and mandated, and further relief is not available.” (ECF No. 90 at PageID.403).

Having reviewed Defendant’s Motion To Reinstate Appeal, this Court **ORDERS** that the motion is **DENIED** because this Court lacks the authority to reinstate Defendant’s direct appeal in the Sixth Circuit.

IT IS SO ORDERED.

s/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: March 21, 2023